



Kim Reynolds  
Governor

Adam Gregg  
Lt. Governor

Jerry R. Foxhoven  
Director

December 24, 2018

Ali Hohman  


RE: Jesus Lopez ( – Child Abuse Assessments

Dear Ms. Hohman:

I am in receipt of your request for child abuse information regarding Mr. Lopez. Per Iowa Code 235A.15(2)(a)(1), as attorney for Jesus Lopez, you are entitled to child abuse information regarding Jesus Lopez.

Accordingly, attached please find the following:

- CA 2015275100- Not Confirmed
- CA 2015275128 - Not Confirmed
- CA 2015275129 – Confirmed
- CA 2015275130 - Not Confirmed

If you have any questions, please let me know.

Sincerely,



*Tony Montoya, LBSW*  
Protective Policy Specialist  
Iowa Department of Human Services  
Division of Field Operations  
Hoover State Office Building – 5th Floor  
1301 E. Walnut Street  
Des Moines, Iowa 50319  
Email: [amontoy@dhs.state.ia.us](mailto:amontoy@dhs.state.ia.us)

Iowa Department of Human Services  
**Child Protective Services Child Abuse Assessment Summary**

<b>Case Name(s)</b> Jesus Lopez					
<b>Address:</b>  [REDACTED]		<b>Home Phone:</b>		<b>Other Phone:</b>	
<b>Incident #:</b> 2015275100		<b>Completion Date:</b> 10/30/2015		<b>Addendum Date:</b>	
<b>Intake Date:</b> 10/02/2015 02:25 PM		<b>Child Protection Worker:</b> Christy Nook		<b>County Name / County #:</b> Page / 73	
<b>Assessment Findings:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Not confirmed</li> <li><input type="checkbox"/> Confirmed, not placed on registry</li> <li><input type="checkbox"/> Founded</li> <li><input type="checkbox"/> Addendum to previous summary</li> </ul>		<b>Safety Assessment Findings:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Safe</li> <li><input type="checkbox"/> Conditionally Safe</li> <li><input type="checkbox"/> Unsafe</li> </ul>		<b>If Conditionally Safe, Date Safety Plan Completed:</b>  <b>If Unsafe, Date of Removal:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Removal Request, Court denied</li> <li><input type="checkbox"/> Voluntary</li> <li><input type="checkbox"/> Relative</li> <li><input type="checkbox"/> Non-Relative</li> <li><input type="checkbox"/> Emergency Custody</li> </ul>	

#### Household Composition

Sex : Male(M), Female(F)

Name	DOB	Sex	Role	FACS ID	Comments
Jesus Lopez	[REDACTED]	M	Child Subject	1386338	
ICAR MOM UNKNOWN		F	Parent	9999998	
ICAR DAD UNKNOWN		U	Parent	9999999	

#### Non-Custodial Parent

Name: Christine Domes	DOB:	Parent of:
Address: DFHS-Children's Administration 900 E. College Way, Suite 200 MOUNT VERNON, WA 98273		Phone

#### Others Involved in the Assessment - Not in Household

Name	DOB	Sex	Role	FACS#	Comments
CARL SONKSEN		M		0923816	

**Child Protective Services Child Abuse Assessment Summary****Case Name(s)**

Jesus Lopez

**Address:****Home Phone:****Other Phone:****Incident #:**

2015275128

**Completion Date:**

10/30/2015

**Addendum Date:****Intake Date:**

10/02/2015 02:25 PM

**Child Protection Worker:**

Christy Nook

**County Name / County #:**

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**Assessment Findings:**

- Not confirmed  
 Confirmed, not placed on registry  
 Founded  
 Addendum to previous summary

**Safety Assessment Findings:**

- Safe  
 Conditionally Safe  
 Unsafe

**If Conditionally Safe, Date Safety Plan Completed:****If Unsafe, Date of Removal:**

- Removal Request, Court denied  
 Voluntary  
 Relative  
 Non-Relative  
 Emergency Custody

**Household Composition**

Sex : Male(M), Female(F)

Name	DOB	Sex	Role	FACS ID	Comments
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**Others Involved in the Assessment - Not in Household**

Name	DOB	Sex	Role	FACS#	Comments
CARL SONKSEN		M		0923816	

Person Determined Responsible for the Abuse (complete only if abuse is confirmed)

Name:	DOB:	Role:	FACS #	Sex:
Address:	Home Phone:			
	Work Phone:			

Intake Allegation Type

<input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Mental Injury	<input type="checkbox"/> Sexual Abuse
<input checked="" type="checkbox"/> Denial of Critical Care	<input type="checkbox"/> Child Prostitution	<input type="checkbox"/> Presence of Illegal Drugs
<input type="checkbox"/> Manufacturing/ Possession of Dangerous Substances with intent to manufacture	<input type="checkbox"/> Bestiality in presence of a minor	<input type="checkbox"/> Allows Access by a Registered Sex Offender
<input type="checkbox"/> Allows Access to Obscene Material		

Concerns Reported

It is alleged that Staff member, Dalton Rucker restrained resident, Jesus Lopez (age 17) on 8/29/2015 and used excessive force and inappropriate restraint technique, as a result Jesus had numerous marks and bruises on his person. Denial of Critical Care, Failure to Provide Adequate Supervision is alleged.

Summary of Previously Confirmed or Founded Reports Concerning Person Alleged Responsible

Summary of Assessment Process	Date(s)
Child(ren) Observed	Jesus Lopez Seen On: 10/05/2015 9:26AM Justification Reason: Child seen, timeframe delayed
Child seen, timeframe delayed	
Custodial Parent(s) Interview	ICAR MOM UNKNOWN Interviewed On: ICAR DAD UNKNOWN Interviewed On:
Non-Custodial Parent Interview (if applicable)	Christine Domes Interviewed On:
Evaluation of Home Environment Completed	10/05/2015
Safety Assessment Completed	10/27/2015
Safety Plan Completed (if applicable)	
Risk Assessment Completed	10/07/2015

Additional process information:

In accordance with Iowa Code 232.71B, when conducting an assessment, the Department of Human Services completes an evaluation of the family which includes the identification of strengths and needs of the child, and of the child's parents, home, and family. This information is documented in the Family Risk Assessment (Form 470-4133), Safety Assessment (Form 470-4132), and when applicable a Safety Plan (Form 470-4461). The information is available only to the child, parents, and others with legal access to this information, and then only upon request.

**Summary of Contacts****Confidential Access:** Yes No**If Yes, give justification:** The integrity of information obtained would be jeopardized if the parents were contacted first.**Date of Contact** 10/2/2015 12:00:00  
AM**Summary of Contact**

@ 02:25 p.m.

Intake accepted and assigned to CPW. Supervisor Corbitt extended the time frame until Monday.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 08:38 a.m.

CPW emailed Troy Kroeger with DIA to inform him of the open assessments at Clarinda Academy. CPW asked Troy to assist with the interviews since the allegations were against four supervisors. Dates and times were arranged for both CPW and Troy to be present during the interviews for each day interviews were conducted. Throughout the case, communication was held between CPW and Troy Kroeger with DIA.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 09:26 a.m.

CPW met with Jesus Lopez in private at the Clarinda Academy and discussion was held regarding the allegations. Jesus said he tried to go truant and ran downstairs. Jesus then said that one staff grabbed his ankles and the other grabbed his wrist and carried him to the shoe closet. Jesus said he was laying down when one staff put him in a stretch where his arms were pulled back and the other staff were on his legs. Jesus said he was fighting at this time and the staff took him to his room. Now there were four staff members present and Jesus said every time they asked him if he was ready to go to bed and he answered "no", staff would come behind him, put their arms beneath his arms and pulled him back and then the staff would throw him to the ground. Jesus said this occurred about 10 times with different staff taking turns. Jesus said the staff continued to pull him backwards and then drop him to the ground.

Jesus said he told staff that they were doing the restraints wrong but they told him not to speak. Jesus said at one point, he was knocked out and remembers a nurse trying to wake him up.

Jesus kept asking CPW how much longer the interview would last because he was in a hurry to get back to Algebra. Jesus was unable to provide CPW the staff's names but said that this happens to other kids but it's not being reported.

CPW asked Jesus if he had any injuries on this date but he said all of his bruises had healed.

**Date of Contact** 10/6/2015 12:00:00  
AM**Summary of Contact**

@ 01:35 p.m.

CPW phoned Reggie who is the executive director of the academy and discussion was held regarding the allegations. Reggie said he will be on vacation when the interviews are being conducted but offered to come to the academy to assist. CPW told Reggie that his presence wouldn't be necessary for the interviews.

**Date of Contact** 10/6/2015 12:00:00  
AM

**Summary of Contact**

@ 1:21 p.m.

Phone call to reporter and information obtained.

**Date of Contact** 10/13/2015 12:00:00  
AM

**Summary of Contact**

@ 1:40 p.m.

CPW along with Troy Kroeger with DIA met with Dalton Rucker. Dalton has worked at the academy for three years and is a team leader on Lincoln Hall. Dalton said he was called to Washington Hall and when he arrived Jesus was in the shoe closet and was in a supine position. Mitchell was on Jesus' legs while Bob and Kyle were on Jesus' hands. Dalton said he switched out Bob and Dalton was talking to Jesus, de-escalating him out of the restraint. Dalton sat in the connecting hallway for 2 ½ - 3 hours trying to calm him down. Dalton said that Jesus would escalate and staff wanted him to go to bed. Dalton said he has been working lots of hours and that day he worked from 7:00 a.m. – 11:00 p.m. Staff told Jesus that they needed to get him to bed. Dalton said that Jesus tried to elope and tried to bolt through Mitch and Daniel. Dalton said he switched out and David Rupp took Jesus' legs. Dalton took the left arm and Mitch or Daniel took the right arm which Dalton said was a bad decision. Dalton said that one bad choice led to another by the staff. Dalton said he switched out with Mitch or Daniel to a single upper torso. Jesus was pushing his body weight against Dalton's body and Dalton took Jesus to a seated position. Dalton admits that he wasn't at a 90 degree angle and held Jesus in that position until he quit fighting. Jesus was stood up again and tried to transition to the bed. Dalton said that Jesus did it again and was kicking his legs. Dalton said he might have pulled his legs up but isn't sure. Dalton switched out to Wayne and Dalton never returned. Dalton said he walked by Jesus' bedroom door but the door was closed. Dalton is unsure who asked for the door to be closed.

Dalton said he was suspended from work for three days along with being placed on probation for 90 days. Also, Dalton had to attend a 2-day training on behavior cycles. David said he likes to see progress in the students and feel like he's part of something by working at the academy.

Dalton has a history in his personnel file with being reprimanded for improper restraints. On 07/07/2013, 08/01/2014 and 09/02/2015 Dalton signed paperwork addressing the improper restraints. Dalton has been provided additional training to address these issues.

CPW will meet with Dalton Rucker on 11/02/2015 at the academy. At that time, Dalton will be told by CPW if another referral is received from the academy with a child having injuries and Dalton is the alleged perpetrator, he will be placed on the Central Abuse Registry.

**Date of Contact** 10/23/2015 12:00:00  
AM

**Summary of Contact**

@ 11:31 a.m.

Voice-mail received from Christine Domes who is the supervisor on Jesus Lopez' case with Washington state.

@ 02:29 p.m.

Phone call returned to Christine Domes. Christine said she spoke with Troy Kroeger who provided CPW's phone number to her. Christine is upset with the academy because they were never notified that Jesus was restrained and since there has been TPR on Jesus' parents, they are the guardian of his case. CPW told Christine that this worker was still working on the case but would assure they receive parental notifications and a copy of the report.

**Date of Contact** 10/28/2015 12:00:00  
AM

**Summary of Contact**

Phone call to Director Mike Butt. CPW asked to meet with each of the supervisors who are involved with the assessment next week to discuss the outcome of their reports. It was agreed that CPW will be at the academy on November 2nd at 8:00 a.m.

**Summary of Contacts Addendum**

## **Findings and Determination of Abuse Allegations**

The allegation of **PHYSICAL ABUSE**, Bruise, is **NOT CONFIRMED** based upon the following factors:

Factor 1: Victim is a child.

Jesus Lopez is a child as evidenced by his birth date.

This factor has been met.

Factor 2: Person responsible is a caretaker.

Dalton Rucker is a staff member at the Clarinda Academy and was a caretaker at the time of the abuse.

This factor has been met.

Factor 3: Physical injury occurred.

Jesus Lopez sustained bruising to his forehead, arms, legs and back.

This factor has been met.

Factor 4: Injury is nonaccidental or history given is at variance with the injury.

On 08/29/2015, the child sustained injuries during numerous restraints where four staff members admitted that improper restraints were initiated. Although, Dalton admits that improper restraints were initiated by himself, Dalton was not found to be responsible for the injuries that Jesus Lopez sustained.

This factor has been met.

Factor 5: Injury resulted from the acts or omissions of the caretaker.

Dalton Rucker was not found to be responsible for the injuries that Jesus sustained during the restraints.

This factor has not been met.

## **Placement on Registry**

### **Summary and Analysis of Safety/Risk Assessment Identified**

**Describe the threats of maltreatment that are present at this time** (aggravating factors that combine to produce a potentially dangerous situation):

**Describe the child's vulnerability to maltreatment** (the degree to which a child cannot, on the child's own, avoid, negate, or minimize the impact of present or impending danger):

**Describe the caretaker's protective capacities** (family strengths and resources that reduce, control, or prevent threats of maltreatment from arising, as well as factors and deficiencies that have a negative impact on child safety):

### **Summary and Analysis of Safety/Risk Assessments Identified**

Summary and Analysis	Addendum Date

**Recommendation for Service**

<input type="checkbox"/> Information or Information and Referral-no additional services recommended
<input checked="" type="checkbox"/> Community Care (Referral Date: )
<input type="checkbox"/> Service recommendations were discussed with the family and a service plan is appropriate to address the following:
<input checked="" type="checkbox"/> No referral to Community Care was made due to the following exception reason
<input type="checkbox"/> Already engaged in DHS Services
<input type="checkbox"/> Court action by DHS or already engaged in JCS Services
<input checked="" type="checkbox"/> Abuse occurred in out of home setting
<input type="checkbox"/> Parent not willing to accept Community Care
<input type="checkbox"/> Already engaged in Community Care
<input type="checkbox"/> Family does not need additional supports beyond current formal/informal systems
<input type="checkbox"/> Department Services (Referral Date: )
<input type="checkbox"/> Case transferred to Social Work Case Manager or Supervisor:
<input type="checkbox"/> The case is not being referred to DHS Service due to the following exception reason:
<input type="checkbox"/> The abuse occurred in an out of home setting (such as child care, PMIC, or hospital), the person responsible has no access to the child, and the parent or caretaker had no prior knowledge of the alleged abuse.
<input type="checkbox"/> The child victim is deceased and there are no other children in the home.
<input type="checkbox"/> The entire family moved out of the state prior to the completion of the assessment and the CPW has notified that state's child protective services.
<input type="checkbox"/> Other (explanation required).

**Additional Service Information****Recommendations For Court Involvement**

Jurisdiction	Date	Type of Action Requested
Juvenile	10/29/2015	Juvenile court already involved
Criminal	10/29/2015	None

Approval	
CPW Signature: Christy Nook	Date: 10/29/2015
Supervisor Signature: Katie Corbitt	Date: 10/30/2015

cc:County Attorney: PAGE COUNTY ATTORNEY

Date Sent:

cc:Juvenile Court:

Date Sent:

**Person Determined Responsible for the Abuse (complete only if abuse is confirmed)**

Name:	DOB:	Role:	FACS #	Sex:
Address:	Home Phone:			
	Work Phone:			

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<input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Mental Injury	<input type="checkbox"/> Sexual Abuse
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**Concerns Reported**

It is alleged that Staff member, David Rupp restrained resident, Jesus Lopez (age 17) on 8/29/2015 and used excessive force and inappropriate restraint technique, as a result Jesus had numerous marks and bruises on his person. Denial of Critical Care, Failure to Provide Adequate Supervision is alleged.

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Child(ren) Observed	Jesus Lopez Seen On: 10/05/2015 9:26AM Justification Reason: Child seen, timeframe delayed
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Safety Plan Completed (if applicable)	
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Factor 3: Physical injury occurred.

Jesus Lopez sustained bruising to his forehead, arms, legs and back.

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This factor has been met.

Factor 5: Injury resulted from the acts or omissions of the caretaker.

David Rupp was not found to be responsible for the injuries that Jesus sustained during the restraints.

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## **Placement on Registry**

## **Summary and Analysis of Safety/Risk Assessment Identified**

**Describe the threats of maltreatment that are present at this time** (aggravating factors that combine to produce a potentially dangerous situation):

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## **Summary and Analysis of Safety/Risk Assessments Identified**

Summary and Analysis

Addendum Date

**Recommendation for Service**

<input type="checkbox"/> Information or Information and Referral-no additional services recommended
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<input type="checkbox"/> The child victim is deceased and there are no other children in the home.
<input type="checkbox"/> The entire family moved out of the state prior to the completion of the assessment and the CPW has notified that state's child protective services.
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**Additional Service Information****Recommendations for Court Involvement**

Jurisdiction	Date	Type of Action Requested
Juvenile	10/29/2015	Juvenile court already involved
Criminal	10/29/2015	None

**Approval**

CPW Signature: Christy Nook	Date: 10/29/2015
Supervisor Signature: Katie Corbitt	Date: 10/30/2015

cc:County Attorney: PAGE COUNTY ATTORNEY

Date Sent:

cc:Juvenile Court:

Date Sent:

**Child Protective Services Child Abuse Assessment Summary****Case Name(s)**

Jesus Lopez

<b>Address:</b> [REDACTED]	<b>Home Phone:</b>	<b>Other Phone:</b>
<b>Incident #:</b> 2015275129	<b>Completion Date:</b> 10/30/2015	<b>Addendum Date:</b>
<b>Intake Date:</b> 10/02/2015 02:25 PM	<b>Child Protection Worker:</b> Christy Nook	<b>County Name / County #:</b> Page / 73
<b>Assessment Findings:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Not confirmed</li> <li><input checked="" type="checkbox"/> Confirmed, not placed on registry</li> <li><input type="checkbox"/> Founded</li> <li><input type="checkbox"/> Addendum to previous summary</li> </ul>	<b>Safety Assessment Findings:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Safe</li> <li><input type="checkbox"/> Conditionally Safe</li> <li><input type="checkbox"/> Unsafe</li> </ul>	<b>If Conditionally Safe, Date Safety Plan Completed:</b>  <b>If Unsafe, Date of Removal:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Removal Request, Court denied</li> <li><input type="checkbox"/> Voluntary</li> <li><input type="checkbox"/> Relative</li> <li><input type="checkbox"/> Non-Relative</li> <li><input type="checkbox"/> Emergency Custody</li> </ul>

**Household Composition**

Sex: Male(M) Female(F)

Name	DOB	Sex	Role	FACS ID	Comments
[REDACTED]	[REDACTED]	M	Child Subject	1386338	

**Non-Custodial Parent**

Name: Christine Domes	DOB:	Parent of:
Address: DFHS-Children's Administration 900 E. College Way, Suite 200 MOUNT VERNON, WA 98273		Phone

**Others Involved in the Assessment - Not in Household**

Name	DOB	Sex	Role	FACS#	Comments
CARL SONKSEN		M		0923816	

Person Determined Responsible for the Abuse (complete only if abuse is confirmed)

Name: Daniel Mullen	DOB: 05/11/1994	Role: Other / All Perp	FACS # 1391398	Sex: M
Address: 1820 N. 16th St.  Clarinda IA 51632	Home Phone:			
	Work Phone:			

Intake Allegation Type

<input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Mental Injury	<input type="checkbox"/> Sexual Abuse
<input checked="" type="checkbox"/> Denial of Critical Care	<input type="checkbox"/> Child Prostitution	<input type="checkbox"/> Presence of Illegal Drugs
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<input type="checkbox"/> Allows Access to Obscene Material		

Concerns Reported

It is alleged that Staff member, Daniel Mullen restrained resident, Jesus Lopez (age 17) on 8/29/2015 and used excessive force and inappropriate restraint technique, as a result Jesus had numerous marks and bruises on his person. Denial of Critical Care, Failure to Provide Adequate Supervision is alleged.

Summary of Previously Confirmed or Founded Reports Concerning Person Alleged Responsible

Summary of Assessment Process	Date(s)
Child(ren) Observed  Child seen, timeframe delayed	Jesus Lopez Seen On: 10/05/2015 9:26AM Justification Reason: Child seen, timeframe delayed
Custodial Parent(s) Interview	
Non-Custodial Parent Interview (if applicable)	Christine Domes Interviewed On:
Evaluation of Home Environment Completed	10/05/2015
Safety Assessment Completed	10/27/2015
Safety Plan Completed (if applicable)	
Risk Assessment Completed	10/07/2015

Additional process information:

In accordance with Iowa Code 232.71B, when conducting an assessment, the Department of Human Services completes an evaluation of the family which includes the identification of strengths and needs of the child, and of the child's parents, home, and family. This information is documented in the Family Risk Assessment (Form 470-4133), Safety Assessment (Form 470-4132), and when applicable a Safety Plan (Form 470-4461). The information is available only to the child, parents, and others with legal access to this information, and then only upon request.

**Summary of Contacts****Confidential Access:** Yes No**If Yes, give justification:** The integrity of information obtained would be jeopardized if the parents were contacted first.**Date of Contact** 10/2/2015 12:00:00  
AM**Summary of Contact**

@ 02:25 p.m.

Intake accepted and assigned to CPW. Supervisor Korbitt extended the time frame until Monday.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 09:26 a.m.

CPW met with Jesus Lopez in private at the Clarinda Academy and discussion was held regarding the allegations. Jesus said he tried to go truant and ran downstairs. Jesus then said that one staff grabbed his ankles and the other grabbed his wrist and carried him to the shoe closet. Jesus said he was laying down when one staff put him in a stretch where his arms were pulled back and the other staff were on his legs. Jesus said he was fighting at this time and the staff took him to his room. Now there were four staff members present and Jesus said every time they asked him if he was ready to go to bed and he answered "no", staff would come behind him, put their arms beneath his arms and pulled him back and then the staff would throw him to the ground. Jesus said this occurred about 10 times with different staff taking turns. Jesus said the staff continued to pull him backwards and then drop him to the ground.

Jesus said he told staff that they were doing the restraints wrong but they told him not to speak. Jesus said at one point, he was knocked out and remembers a nurse trying to wake him up.

Jesus kept asking CPW how much longer the interview would last because he was in a hurry to get back to Algebra. Jesus was unable to provide CPW the staff's names but said that this happens to other kids but it's not being reported.

CPW asked Jesus if he had any injuries on this date but he said all of his bruises had healed.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 08:38 a.m.

CPW emailed Troy Kroeger with DIA to inform him of the open assessments at Clarinda Academy. CPW asked Troy to assist with the interviews since the allegations were against four supervisors. Dates and times were arranged for both CPW and Troy to be present during the interviews for each day interviews were conducted. Throughout the case, communication was held between CPW and Troy Kroeger with DIA.

**Date of Contact** 10/6/2015 12:00:00  
AM**Summary of Contact**

@ 01:35 p.m.

CPW phoned Reggie who is the executive director of the academy and discussion was held regarding the allegations. Reggie said he will be on vacation when the interviews are being conducted but offered to come to the academy to assist. CPW told Reggie that he presence wouldn't be necessary for the interviews.

**Date of Contact** 10/6/2015 12:00:00  
AM

**Summary of Contact**

@ 01:21 p.m.

Phone call to reporter and information obtained.

**Date of Contact** 10/13/2015 12:00:00  
AM

**Summary of Contact**

@ 03:34 p.m.

CPW along with Troy Kroeger with DIA met with Daniel Mullen. Daniel has worked at the academy for one year and is a group leader. Daniel said that day when the incident happened he had worked a double shift and said he had no breaks that day/night. Daniel said he worked from 7:00 a.m. – 12:30 a.m. that day. Discussion was held regarding the allegations.

Daniel said he saw Jesus walking towards the door and waved at staff. Daniel said he sent Kyle Williams after Jesus after he eloped from the hall, but Kyle left the hall without a radio. Daniel then sent Mitch out with a radio and after five minutes all three of them came back in. Jesus was by the shoe closet kicking and flailing. Daniel said he tried to de-escalate Jesus and to check to see what was wrong. Daniel said that Jesus was calm at certain times. Daniel and David Rupp began to escort Jesus to his room and Daniel said that Jesus continued to kicking and flailing his arms. Daniel and David carried Jesus to his bedroom after someone said that Jesus needed to get to bed.

Daniel said that Jesus was thrashing around in his room and was placed in a seated position by Dalton. Jesus was brought back up and again down to a seated position because Daniel said that Jesus was flailing his legs. Wayne then took over and Dalton left. Wayne then placed Jesus into a seated position. Daniel said that he thought Wayne brought Jesus back up and the Mitch had him in a standing position. Daniel then placed Jesus into a seated position. When Daniel was asked if Jesus hit his head while he had placed Jesus into a seated position, Daniel said he didn't know of Jesus hitting his head but said it could have happened. Daniel said that everyone was wrong that evening with the restraints saying that the restraints were over the 90 degree angle when Jesus was in a seated position. Daniel said he remembers Jesus going past the 90 degrees.

Daniel said due to the incident he was suspended from his job for 3 days, is on probation for 90 days and had to attend a 2 day training on behavior cycles.

**Date of Contact** 10/23/2015 12:00:00  
AM

**Summary of Contact**

@ 11:31 a.m.

Voice-mail received from Christine Domes who is the supervisor on Jesus Lopez' case with Washington state.

@ 02:29 p.m.

Phone call returned to Christine Domes. Christine said she spoke with Troy Kroeger who provided CPW's phone number to her. Christine is upset with the academy because they were never notified that Jesus was restrained and since there has been TPR on Jesus' parents, they are the guardian of his case. CPW told Christine that this worker was still working on the case but would assure they receive parental notifications and a copy of the report.

**Date of Contact** 10/28/2015 12:00:00  
AM

**Summary of Contact**

Phone call to Director Mike Butt. CPW asked to meet with each of the supervisors who are involved with the assessment next week to discuss the outcome of their reports. It was agreed that CPW will be at the academy on November 2nd at 8:00 a.m.

**Summary of Contacts Addendum**

Findings and Determination of Abuse Allegations

The allegation of **PHYSICAL ABUSE**, Bruise, is **CONFIRMED** based upon the following factors:

Factor 1: Victim is a child.

Jesus Lopez is a child as evidenced by his birth date.

This factor has been met.

Factor 2: Person responsible is a caretaker.

Daniel Mullen is a staff member at the Clarinda Academy and was a caretaker at the time of the abuse.

This factor has been met.

Factor 3: Physical injury occurred.

Jesus Lopez sustained bruising to his forehead, arms, legs and back.

This factor has been met.

Factor 4: Injury is nonaccidental or history given is at variance with the injury.

On 08/29/2015, Jesus had severe bruising to his forehead. After interviews were conducted with the staff members present during the restraint, it was determined that Daniel Mullen caused the injuries to Jesus' forehead, when he forcefully placed Jesus into a seated position to the floor, hitting Jesus' head on the floor. Other staff members report seeing and hearing Jesus' head hit the floor. Although, Daniel did not admit to hitting Jesus' head on the floor, Daniel said it could have happened.

This factor has been met.

Factor 5: Injury resulted from the acts or omissions of the caretaker.

Although, Daniel didn't admit to hitting the child's head on the floor during a restraint, Daniel said it could have happened. Other staff members shared concern when they observed Daniel placing Jesus into a seated position using force, hitting Jesus' head on the floor causing the injury.

This factor has been met.

Placement on Registry

Child's Name:	Person Responsible:	Abuse Type:	Assessment Finding:
Jesus Lopez	Daniel Mullen	Bruise	Confirmed

**Justification:** The incident is Confirmed and will NOT be placed in the central abuse registry because the finding of physical abuse in which the department has determined the injury resulting from the abuse was minor, AND isolated, AND unlikely to reoccur. Pursuant to Iowa Code section 232.71D(3)(a)(1) and 441 Iowa Administrative Code section 175.39.

**Summary and Analysis of Safety/Risk Assessment Identified**

**Describe the threats of maltreatment that are present at this time** (aggravating factors that combine to produce a potentially dangerous situation):

**Describe the child's vulnerability to maltreatment** (the degree to which a child cannot, on the child's own, avoid, negate, or minimize the impact of present or impending danger):

**Describe the caretaker's protective capacities** (family strengths and resources that reduce, control, or prevent threats of maltreatment from arising, as well as factors and deficiencies that have a negative impact on child safety):

**Summary and Analysis of Safety/Risk Assessments Identified**

Summary and Analysis	Addendum Date

Final Risk Level (based upon completion of the standardized risk assessment):	<input type="checkbox"/> Low	<input checked="" type="checkbox"/> Moderate	<input type="checkbox"/> High
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## Recommendation for Service

Information or Information and Referral-no additional services recommended

Community Care (Referral Date: )

Service recommendations were discussed with the family and a service plan is appropriate to address the following:

No referral to Community Care was made due to the following exception reason

- Already engaged in DHS Services
- Court action by DHS or already engaged in JCS Services
- Abuse occurred in out of home setting
- Parent not willing to accept Community Care
- Already engaged in Community Care
- Family does not need additional supports beyond current formal/informal systems

Department Services (Referral Date: )

Case transferred to Social Work Case Manager or Supervisor:

The case is not being referred to DHS Service due to the following exception reason:

- The abuse occurred in an out of home setting (such as child care, PMIC, or hospital), the person responsible has no access to the child, and the parent or caretaker had no prior knowledge of the alleged abuse.
- The child victim is deceased and there are no other children in the home.
- The entire family moved out of the state prior to the completion of the assessment and the CPW has notified that state's child protective services.
- Other (explanation required).

## Additional Service Information

## Recommendations for Court Involvement

Jurisdiction	Date	Type of Action Requested
Juvenile	10/29/2015	Juvenile court already involved
Criminal	10/29/2015	None

## Approval

CPW Signature: Christy Nook	Date: 10/29/2015
Supervisor Signature: Katie Corbitt	Date: 10/30/2015

cc:County Attorney: PAGE COUNTY ATTORNEY

Date Sent:

cc:Juvenile Court:

Date Sent:

**Child Protective Services Child Abuse Assessment Summary**

<b>Case Name(s)</b> Jesus Lopez					
<b>Address:</b> 		<b>Home Phone:</b>		<b>Other Phone:</b>	
<b>Incident #:</b> 2015275130		<b>Completion Date:</b> 10/30/2015		<b>Addendum Date:</b>	
<b>Intake Date:</b> 10/02/2015 02:25 PM		<b>Child Protection Worker:</b> Christy Nook		<b>County Name / County #:</b> Page / 73	
<b>Assessment Findings:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Not confirmed</li> <li><input type="checkbox"/> Confirmed, not placed on registry</li> <li><input type="checkbox"/> Founded</li> <li><input type="checkbox"/> Addendum to previous summary</li> </ul>		<b>Safety Assessment Findings:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Safe</li> <li><input type="checkbox"/> Conditionally Safe</li> <li><input type="checkbox"/> Unsafe</li> </ul>		<b>If Conditionally Safe, Date Safety Plan Completed:</b>  <b>If Unsafe, Date of Removal:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Removal Request, Court denied</li> <li><input type="checkbox"/> Voluntary</li> <li><input type="checkbox"/> Relative</li> <li><input type="checkbox"/> Non-Relative</li> <li><input type="checkbox"/> Emergency Custody</li> </ul>	

**Household Composition**

Sex: Male(M), Female(F)

Name	DOB	Sex	Role	FACS ID	Comments
Jesus Lopez		M	Child Subject	1386338	

**Non-Custodial Parent**

Name: Christine Domes	DOB:	Parent of:
Address: DFHS-Children's Administration 900 E. College Way, Suite 200 MOUNT VERNON, WA 98273		Phone

**Others Involved in the Assessment - Not in Household**

Name	DOB	Sex	Role	FACS#	Comments
CARL SONKSEN		M		0923816	

Person Determined Responsible for the Abuse (complete only if abuse is confirmed)

Name:	DOB:	Role:	FACS #	Sex:
Address:	Home Phone:			
	Work Phone:			

Intake Allegation Type

<input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Mental Injury	<input type="checkbox"/> Sexual Abuse
<input checked="" type="checkbox"/> Denial of Critical Care	<input type="checkbox"/> Child Prostitution	<input type="checkbox"/> Presence of Illegal Drugs
<input type="checkbox"/> Manufacturing/ Possession of Dangerous Substances with intent to manufacture	<input type="checkbox"/> Bestiality in presence of a minor	<input type="checkbox"/> Allows Access by a Registered Sex Offender
<input type="checkbox"/> Allows Access to Obscene Material		

Concerns Reported

It is alleged that Staff member, Wayne Peterson restrained resident, Jesus Lopez (age 17) on 8/29/2015 and used excessive force and inappropriate restraint technique, as a result Jesus had numerous marks and bruises on his person. Denial of Critical Care, Failure to Provide Adequate Supervision is alleged.

Summary of Previously Confirmed or Founded Reports Concerning Person Alleged Responsible

Summary of Assessment Process	Date(s)
Child(ren) Observed	Jesus Lopez Seen On: 10/05/2015 9:26AM Justification Reason: Child seen, timeframe delayed
Child seen, timeframe delayed	
Custodial Parent(s) Interview	
Non-Custodial Parent Interview (if applicable)	Christine Domes Interviewed On:
Evaluation of Home Environment Completed	10/05/2015
Safety Assessment Completed	10/27/2015
Safety Plan Completed (if applicable)	
Risk Assessment Completed	10/07/2015

Additional process information:

In accordance with Iowa Code 232.71B, when conducting an assessment, the Department of Human Services completes an evaluation of the family which includes the identification of strengths and needs of the child, and of the child's parents, home, and family. This information is documented in the Family Risk Assessment (Form 470-4133), Safety Assessment (Form 470-4132), and when applicable a Safety Plan (Form 470-4461). The information is available only to the child, parents, and others with legal access to this information, and then only upon request.

**Summary of Contacts****Confidential Access:** Yes No**If Yes, give justification:** The integrity of information obtained would be jeopardized if the parents were contacted first.**Date of Contact** 10/2/2015 12:00:00  
AM**Summary of Contact**

@ 02:25 p.m.

Intake accepted and assigned to CPW. Supervisor Korbitt extended the time frame until Monday.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 09:26 a.m.

CPW met with Jesus Lopez in private at the Clarinda Academy and discussion was held regarding the allegations. Jesus said he tried to go truant and ran downstairs. Jesus then said that one staff grabbed his ankles and the other grabbed his wrist and carried him to the shoe closet. Jesus said he was laying down when one staff put him in a stretch where his arms were pulled back and the other staff were on his legs. Jesus said he was fighting at this time and the staff took him to his room. Now there were four staff members present and Jesus said every time they asked him if he was ready to go to bed and he answered "no", staff would come behind him, put their arms beneath his arms and pulled him back and then the staff would throw him to the ground. Jesus said this occurred about 10 times with different staff taking turns. Jesus said the staff continued to pull him backwards and then drop him to the ground.

Jesus said he told staff that they were doing the restraints wrong but they told him not to speak. Jesus said at one point, he was knocked out and remembers a nurse trying to wake him up.

Jesus kept asking CPW how much longer the interview would last because he was in a hurry to get back to Algebra. Jesus was unable to provide CPW the staff's names but said that this happens to other kids but it's not being reported.

CPW asked Jesus if he had any injuries on this date but he said all of his bruises had healed.

**Date of Contact** 10/5/2015 12:00:00  
AM**Summary of Contact**

@ 08:38 a.m.

CPW emailed Troy Kroeger with DIA to inform him of the open assessments at Clarinda Academy. CPW asked Troy to assist with the interviews since the allegations were against four supervisors. Dates and times were arranged for both CPW and Troy to be present during the interviews for each day interviews were conducted. Throughout the case, communication was held between CPW and Troy Kroeger with DIA.

**Date of Contact** 10/6/2015 12:00:00  
AM**Summary of Contact**

@ 01:35 p.m.

CPW phoned Reggie who is the executive director of the academy and discussion was held regarding the allegations. Reggie said he will be on vacation when the interviews are being conducted but offered to come to the academy to assist. CPW told Reggie that his presence wouldn't be necessary for the interviews.

Date of Contact 10/6/2015 12:00:00  
AM

**Summary of Contact**

@ 01:21 p.m.

Phone call to reporter and information obtained.

Date of Contact 10/8/2015 12:00:00  
AM

**Summary of Contact**

09:55 a.m.

CPW along with Troy Kroeger with DIA interviewed Wayne Petersen who is the overnight team leader on Washington Hall. Wayne has worked at the academy for 7 years and prior to the Clarinda Academy, Wayne worked for Tarkio Academy for 8 years.

Wayne said he arrived for his shift between 9:30 – 10:00 p.m. Wayne's shift starts at 11:00 p.m. Wayne said that Jesus was in the shoe closet and already had been restrained when he arrived for his shift. Jesus was on the floor processing with David Rupp on one side and Daniel Mullen on the other side of Jesus. The two staff were talking to Jesus with Jesus threatening to run. This went on for 30-40 minutes. Jesus got off the floor, then sat down, got up and walked into Mitch and Daniel. Mitch had Jesus in a standing position and suggested they take Jesus into his bedroom to put him to bed. Jesus refused to go to bed and four staff carried Jesus into his room by a hook transport. It was Dalton's decision to move Jesus into his room and to also close the door once staff were inside the bedroom.

Wayne said it was tight quarters in the bedroom with Dalton, Dave, Mitch, Daniel, Aislynn and himself all in the room together. Again, Jesus was asked if he was ready to go to bed but Jesus said no. Jesus was placed in a seated restraint by Dalton and Wayne said that Dalton was leaning over but not bad. Dalton then brought Jesus to his feet to a standing position. Jesus was asked again if he was ready to go to bed. Jesus said, "I'm not fucking going to bed and Dalton put Jesus back down to a seated position. Wayne said that Dalton was rough during this time and was leaning more on Jesus's back this time. Daniel Mullen switched out with Dalton and Jesus's head went to the floor while he was still in a seated position. Wayne said that Daniel went forward on Jesus too far. Wayne said he knew the restraint had gone too far and he placed himself on Jesus's legs to prevent Jesus's head to hit the floor again. Wayne said he was on Jesus's legs for a couple of minutes when he heard someone from behind say let's bring him up. Wayne took over with the standing position and asked Jesus if he knew what the expectations were. Jesus replied by yea or nah. Wayne put Jesus in a seated position and admits that he was getting frustrated with the whole situation. Wayne knows that he was wrong by placing Jesus in a seated position because Jesus wasn't fighting or being aggressive. Wayne said he had Jesus bent over a little until he could get positioned. Wayne said he got tapped out by David. Jesus was brought back to a standing position and Wayne stepped out to the hallway to check on staff. Wayne stepped back into Jesus' room and observed Jesus on the floor in a seated position but his legs weren't straight and Jesus was bent over with his head touching the floor. David was holding him forward and Jesus wasn't saying a thing. David's body weight was on Jesus. David and Daniel were present when Daniel had Jesus in a seated position and brought Jesus back to a standing position. Dalton then took over and said we're just going to put him to bed and placed Jesus on the bed.

Wayne said he sat in a chair in Jesus's bedroom and told John that he was concerned about Jesus. Jesus didn't move in his bed for two hours. Aislynn and Wayne were in Jesus's bedroom 3-4 times because he wasn't moving and Wayne never left his door all night. Wayne said he seen the mark on Jesus's forehead in the same area where Jesus' head hit the floor during a restraint. Wayne said they are supposed to have a small staffing after a restraint but this did not occur that evening and Wayne said he didn't want to get staff together because he didn't want to leave Jesus.

David Rupp said to Wayne the following day that he wasn't comfortable with what happened. Wayne contacted Paul Rieken on Sunday morning and told him he wasn't comfortable with what happened to Jesus on Saturday night. Wayne admits that not only he but other staff were performing improper restraints.

When CPW and Troy asked Wayne what he thought happened that evening, Wayne said that too many staff are working double shifts and their tired and frustrated. Wayne felt that staff were just ready to get off that evening and felt things were rushed to get Jesus into his bedroom. Wayne said that Jesus should have never been put in the different restraints for just telling staff he wasn't ready to go to bed. Wayne said that once Jesus had come back into the building after trying to elope, Jesus wasn't aggressive or fighting and was limp as a noodle.

Wayne said he has been working double shifts and because of the incident was suspended from his job for three days, 90 days probation and had to attend 2 days of training on behavior cycles.

**Date of Contact** 10/23/2015 12:00:00  
AM

**Summary of Contact**

@ 11:31 a.m.

Voice-mail received from Christine Domes who is the supervisor on Jesus Lopez' case with Washington state.

@ 02:29 p.m.

Phone call returned to Christine Domes. Christine said she spoke with Troy Kroeger who provided CPW's phone number to her. Christine is upset with the academy because they were never notified that Jesus was restrained and since there has been TPR on Jesus' parents, they are the guardian of his case. CPW told Christine that this worker was still working on the case but would assure they receive parental notifications and a copy of the report.

**Date of Contact** 10/28/2015 12:00:00  
AM

**Summary of Contact**

Phone call to Director Mike Butt. CPW asked to meet with each of the supervisors who are involved with the assessment next week to discuss the outcome of their reports. It was agreed that CPW will be at the academy on November 2nd at 8:00 a.m.

**Summary of Contacts Addendum**

## Findings and Determination of Abuse Allegations

The allegation of **PHYSICAL ABUSE**, Bruise, is **NOT CONFIRMED** based upon the following factors:

Factor 1: Victim is a child.

Jesus Lopez is a child as evidenced by his birth date.

This factor has been met.

Factor 2: Person responsible is a caretaker.

Wayne Petersen works at the Clarinda Academy and was a caretaker at the time of the abuse.

This factor has been met.

Factor 3: Physical injury occurred.

Jesus Lopez sustained injuries to his forehead, arms, legs and back.

This factor has been met.

Factor 4: Injury is nonaccidental or history given is at variance with the injury.

On 08/29/2015, the child sustained injuries during numerous restraints where four staff members admitted that improper restraints were initiated. Although, Wayne admits that improper restraints were initiated by himself, Wayne was not found to be responsible for the injuries that Jesus Lopez sustained.

This factor has been met.

Factor 5: Injury resulted from the acts or omissions of the caretaker.

Wayne contacted Paul Rieken a director with the academy on 08/30/2015, sharing that he had concerns with the restraints that were initiated on Jesus Lopez the night before by all staff members. Wayne admitted he placed Jesus into a restraint that he should've because Jesus was not being aggressive and was not a threat. Although Wayne admits he initiated an improper restraint the injuries that Jesus sustained was not caused by Wayne Petersen.

This factor has not been met.

## Placement on Registry

## Summary and Analysis of Safety/Risk Assessment Identified

**Describe the threats of maltreatment that are present at this time** (aggravating factors that combine to produce a potentially dangerous situation):

**Describe the child's vulnerability to maltreatment** (the degree to which a child cannot, on the child's own, avoid, negate, or minimize the impact of present or impending danger):

**Describe the caretaker's protective capacities** (family strengths and resources that reduce, control, or prevent threats of maltreatment from arising, as well as factors and deficiencies that have a negative impact on child safety):

## Summary and Analysis of Safety/Risk Assessments Identified

### Summary and Analysis

Addendum Date

Jesus Lopez came to the attention of DHS after it was alleged that Jesus was restrained and excessive force and inappropriate restraint technique. As a result Jesus had numerous marks and bruises on his person. The DHS Family Risk Assessment indicates Jesus Lopez is at MODERATE risk of future abuse or neglect. This is primarily due to Jesus's behaviors and DHS's current involvement with the family.

Final Risk Level (based upon completion of the standardized risk assessment):  Low  Moderate  High

### Recommendation for Service

Information or Information and Referral-no additional services recommended

Community Care (Referral Date: )

Service recommendations were discussed with the family and a service plan is appropriate to address the following:

No referral to Community Care was made due to the following exception reason

Already engaged in DHS Services

Court action by DHS or already engaged in JCS Services

Abuse occurred in out of home setting

Parent not willing to accept Community Care

Already engaged in Community Care

Family does not need additional supports beyond current formal/informal systems

Department Services (Referral Date: )

Case transferred to Social Work Case Manager or Supervisor:

The case is not being referred to DHS Service due to the following exception reason:

The abuse occurred in an out of home setting (such as child care, PMIC, or hospital), the person responsible has no access to the child, and the parent or caretaker had no prior knowledge of the alleged abuse.

The child victim is deceased and there are no other children in the home.

The entire family moved out of the state prior to the completion of the assessment and the CPW has notified that state's child protective services.

Other (explanation required).

### Additional Service Information

### Recommendations for Court Involvement

Jurisdiction	Date	Type of Action Requested
Juvenile	10/29/2015	Juvenile court already involved
Criminal	10/29/2015	None

**Approval**

<b>CPW Signature:</b> Christy Nook	<b>Date:</b> 10/28/2015
<b>Supervisor Signature:</b> Katie Corbitt	<b>Date:</b> 10/30/2015

**cc:County Attorney:** PAGE COUNTY ATTORNEY

**Date Sent:**

**cc:Juvenile Court:**

**Date Sent:**